

Trion James v. Port Authority Police Department, Port Authority of New York and New Jersey, Edward Cetnar (in his official capacity), Christopher McNerney (in his official capacity), and Does 1-5

Civil No.: 1:22-cv-02463-PGG

EXHIBIT B

THE PORT AUTHORITY OF NEW YORK & NEW JERSEY
OFFICE OF INSPECTOR GENERAL
Office of Investigations



REPORT OF INVESTIGATION


CASE NO: C-21-0021	PREPARED BY: Phillip Leahy, Investigative Counsel	DATE: 8/6/21
TYPE OF ACTIVITY: Interview of Michael Ford		DATE OF ACTIVITY: 8/5/21
SUBJECT: Trion James WB Allegations		

On August 5, 2021, Port Authority of NY & NJ ("PA") Office of Inspector General ("OIG") Investigative Counsels Inna Spector and Phillip Leahy interviewed Michael Ford ("Ford"), Manager of Assessment Services in the PA Human Resources Department ("HRD"). The interview took place at the World Trade Center ("WTC") 16th floor conference room. Ford provided the following information regarding the process for the promotions to Detective ("DET") Sergeant ("SGT") that took place in the spring of 2021.

One of the steps in the DET SGT promotion process is the Qualification Review Meeting ("QRM"). After candidates submit their applications via PeopleSoft, but prior to the QRM, candidates are screened and rated by the Promotion Review Board ("PRB") as "Exceptional," "Qualified," or "Needs Development" in the following categories: Derogatory Incident Rating, Attendance Rating, and Promotability Appraisal. For the 2021 DET SGT promotion, the PRB consisted of Annesa Lau from Operational Services, Eileen Dalton of HRD, and Assistant Chief Michael Brown from PA Police Department ("PAPD"). A member of the PRB cannot also serve as a QRM Panel Member. HRD facilitates the PRB by gathering data and presenting it to the PRB for Attendance Rating and Derogatory Incident Data. The Promotability Appraisal is submitted by the candidate's superiors at their respective Commands; although the PRB could change the rating given by the Command, it generally "does not second guess the Command's evaluation." It should be noted that Promotability Appraisal for Trion James ("James") was given by Deputy Inspector Steven Yablonsky and Lieutenant Thomas Michaels, for which James was rated "Exceptional."

The QRM rating is determined by HRD, in this case Brian Miller ("Miller"), by calculating the numerical scores given by the QRM raters and applying pre-determined guidelines to determine a QRM rating of "Exceptional," "Qualified," or "Needs Development." If a candidate receives three ratings which are less than exceptional for Derogatory Incident Rating, Attendance Rating, Promotability Appraisal, and QRM, they are not eligible for promotion.

HRD (in this process Miller) created the QRM scheduling slots and sent these dates and times to Melissa Turi ("Turi"), Senior Administrative Secretary in PAPD, for her to coordinate the scheduling of the candidates' QRMs. Ford did not know if Turi coordinated the scheduling directly with the candidates or through their supervisors. HRD also coordinates the available raters for the QRM panels; QRM panels usually consist of two commanding officers in the rank of Captain or above, and one HRD member. HRD strives to avoid having a candidate be rated by his or her current Commanding Officer as well as attempting to ensure that each panel is represented by at least one minority or female member. Deputy

APPROVED:  DATE: 8/6/21
(Initials)

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Police Inspector Brian McPherson is an African American and he was assigned as a rater on James' QRM panel.

QRM panel members are instructed to capture highlights of the interview in their notes, as they must defend their evaluation to the other panel members as well as during any potential legal challenge. Typically, panel members will rate a candidate immediately following the QRM. The panelists go through the checklist established by the HRD and must come to a consensus on which blocks get checked, indicating information the candidate covered in his answers. Panelists then each rate the candidate numerically, on a scale from one to five. There is no guidance or formula regarding how many box checks relate to a particular numerical score; panelists are free to assign importance to information provided by the candidates as they see fit. Panelists can differ with each other on their rating only by one point; if more than a one-point difference exists between scores given by different raters for the same question, they must confer and resolve their ratings to be within one point of each other. As there are three panelists, the final rating given to the candidate for each question is the score given by the majority of panelists; (i.e., if two panelist rate the candidates' answer a '4' and one panelist rates the answer a '3', the candidate receives a '4' as the final score for that particular question.) Due to COVID-19, for the 2021 DET SGT QRMs, the candidates reported to the Technical Training Academy at the PA Training Center where they were interviewed via video by panelists who participated remotely.

The specific questions asked in a QRM, the checklists pertaining to each question, and each individual rater's score for each question are all confidential information. The general nature of each question and the final score for each question are released to the candidates.

Ford explained that PAPD candidates for promotion to DET SGT were notified of the final results of their application by email. Generally, the email would be sent to the email address listed as the primary email address in PeopleSoft. As notification to James had been sent to his personal email address, rather than his PA email address, Ford initially thought that James' civilian email address was listed in PeopleSoft as his preferred email address. After checking PeopleSoft, however, Ford noted that PeopleSoft currently lists James' PA email address as his preferred address, with his personal email address (trion83@gmail.com), to which results had been sent, being the secondary Ford does not have the capability of checking which address was listed as James' preferred email address in PeopleSoft on May 25, 2021, when results were emailed to all the candidates. Nellie Berri in HRD may be able to provide information regarding which email address was listed as preferred in PeopleSoft on May 25, 2021. Miller was responsible for emailing the candidates. He created an Excel spreadsheet with all the candidates and their email addresses; Ford does not know if the process by which candidates were emailed was automated through PeopleSoft with email addresses automatically entered or if Miller would have addressed the emails by cutting and pasting off the Excel spreadsheet.